

Decision 02-01-022 January 9, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Daniel O. Mittow and Jane Schafer-Mittow husband and wife, dba Davis Airporter for authority to establish a Zone of Rate Freedom. PSC-9708.

Application 01-08-039
(Filed August 27, 2001)

O P I N I O N

Summary

This decision grants the application of Daniel O. Mittow and Jane Schafer-Mittow (Applicant), husband and wife, to establish a Zone of Rate Freedom (ZORF), pursuant to Pub. Util. Code § 454.2.

Discussion

Applicant is authorized by Decision (D.) 95-06-041 and D.98-01-044 to operate as an on-call passenger stage corporation (PSC-9708) between points in the counties of Yolo, Sacramento, and Solano, on the one hand, and Sacramento (SAC) and San Francisco (SFO) International Airports, on the other hand.

Applicant requests authority to establish a ZORF of 50% above and 20% below any of their current fares published in CA PUC No. 1, Local Passenger Tariff No. 1, filed with the Commission.

Applicant will compete with other PSCs, taxicabs, limousines, buses, and automobiles in their service area. The establishment of the ZORF is fair and reasonable. Notice of filing of the application appeared in the Commission's

Daily Calendar on September 13, 2001. Applicant notified the affected airports and ten cities.

In Resolution ALJ 176-3071 dated September 20, 2001, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3071.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Applicant is currently authorized to operate as an on-call PSC between points in the counties of Yolo, Sacramento, and Solano, on the one hand, and SAC and SFO, on the other hand.
2. Applicant requests authority to establish a ZORF of 50% above and 20% below any of their current authorized fares filed with the Commission.
3. Applicant will compete with PSCs, taxicabs, limousines, buses, and automobiles in their operations. The ZORF is fair and reasonable.
4. No protest to the application has been filed.
5. A public hearing is not necessary.
6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. The application for a ZORF should be granted.
2. Before Applicant changes any fares under the ZORF authorized below, Applicant shall give this Commission at least 10 days' notice. The tariff should

show between each pair of service points the high and low ends of the ZORF and the then currently effective fare.

3. Since the matter is uncontested, the decision should be effective on the date it is signed.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. Daniel O. Mittow and Jane Schafer-Mittow (Applicant), husband and wife, are authorized under Pub. Util. Code § 454.2 to establish a Zone of Rate Freedom (ZORF) of 50% above and 20% below any of their current fares published in CA PUC No. 1, Local Passenger Tariff No. 1, filed with the Commission.

2. Applicant shall file a ZORF tariff in accordance with the application on not less than 10 days' notice to the Commission and to the public. The ZORF shall expire unless exercised within 120 days after the effective date of this order.

3. Applicant may make changes within the ZORF by filing amended tariffs on not less than 10 days' notice to the Commission and to the public. The tariff shall include between each pair of service points the authorized maximum and minimum fares and the fare to be charged.

4. In addition to posting and filing tariffs, Applicant shall post notices explaining the fare changes in their terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least thirty days.

5. The Application is granted as set forth above.
6. This proceeding is closed.

This order is effective today.

Dated January 9, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
RICHARD A. BILAS
CARL W. WOOD
GEOFFREY F. BROWN
Commissioners